

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Case No.: 1:23-CV-00270-MR-WCM

MACKENZIE ELAINE BROWN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	JUDICIAL DEFENDANTS'
	)	MOTION TO DISMISS
HENDERSON COUNTY SHERIFF'S	)	AMENDED COMPLAINT
OFFICE, et al.,	)	
	)	
Defendants.	)	
	)	

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NOW COME Defendants Susan N. Oates, Magistrate Judge for Henderson County, North Carolina and Emily Greene Cowan, former District Court Judge for Judicial District 29B, in their individual and official capacities (Judicial Defendants), and hereby move this Court to dismiss Plaintiff's Amended Complaint [DE 37] pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure.

In support of this motion, Magistrate Oates and Judge Cowan rely on the legal authority and arguments set forth in the supporting memorandum being contemporaneously filed herewith.

*(signature page follows)*

Respectfully submitted this the 28th day of May, 2024.

JOSHUA H. STEIN  
Attorney General

/s/Elizabeth Curran O'Brien  
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*Counsel for Defendants Oates &  
Cowan*

### CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing **MOTION TO DISMISS AMENDED COMPLAINT** using the CM/ECF system, which will send notification of such filing to all the counsel of record for the parties who participate in the CM/ECF system addressed to the following individuals:

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*Pro Se Plaintiff*

This the 28th day of May, 2024.

/s/ Elizabeth Curran O'Brien  
Elizabeth Curran O'Brien  
Special Deputy Attorney General  
N.C. Department of Justice